

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASMINE MITCHELL, *on behalf of J.C.M.*,

Plaintiff,

-against-

CITY OF POUGHKEEPSIE SCHOOL
DISTRICT,

Defendant.

19-CV-3879 (LLS)

ORDER

LOUIS L. STANTON, United States District Judge:

Plaintiff brings this action *pro se*. By order dated September 19, 2019, the Court dismissed the complaint for failure to state a claim on which relief may be granted. (ECF 5.) Judgment was entered on September 23, 2019. (ECF 6.) On December 5, 2019, Plaintiff filed a motion for an extension of time to file a notice of appeal and a motion to proceed *in forma pauperis* (IFP) on appeal, (ECF 7, 8), and on January 8, 2020, Plaintiff filed a notice of appeal, (ECF 9). By order dated January 13, 2020, the Court denied Plaintiff's motion for an extension of time to file a notice of appeal because the motion was filed more than 60 days after entry of judgment, and the Court therefore lacked authority to grant the motion. (ECF 11 (citing *Goode v. Winkler*, 252 F.3d 242, 245 (2d Cir. 2001) (holding that the district court lacked jurisdiction to consider an untimely motion under Fed. R. App. P. 4(a)(5), even if the moving party can show good cause))). The Court also denied Plaintiff's motion to proceed IFP on appeal as moot. By Mandate issued June 15, 2020, the Court of appeals dismissed the appeal for Plaintiff's failure to pay the appeal fees or to submit an application to proceed IFP to the Court of Appeals. (ECF 12).

On October 21, 2021, more than two years after judgment was entered, Plaintiff filed an application for the court to request *pro bono* counsel. (ECF 14.)¹ Because the action is closed, the Court denies Plaintiff's application as moot.

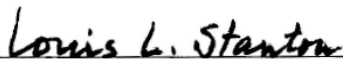
CONCLUSION

The Court denies Plaintiff's application for the court to request *pro bono* counsel. (ECF 14.)

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: February 1, 2022
New York, New York



LOUIS L. STANTON
U.S.D.J.

¹ A duplicate copy of the application for the court to request *pro bono* counsel was mistakenly docketed as an application to proceed IFP. (See ECF 13.)